

DRAFT  
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# CHARTER

Town of Bethany, Connecticut

Settled 1700

Incorporated 1832

Charter Adopted 202\_

**2021-2022 Bethany Charter Commission**

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## **THE BETHANY CHARTER**

### **ARTICLE I THE CHARTER**

#### **Section 1.1 The Charter**

- a) The Charter shall be the structure of the law of the Town of Bethany in the administration of its local affairs.
- b) Matters concerning the election of officers, the making and registration of voters, and the administration of local affairs not provided by this Charter, or by lawful ordinance, shall be governed by the General Statutes and any Special Acts of the State of Connecticut applicable to the Town.
- c) For purposes of this Charter, the Planning and Zoning Commission is considered a board.
- d) Any reference in this Charter to masculine gender shall be construed to apply to all genders.

### **ARTICLE II TOWN MEETING**

#### **Section 2.1 The Town Meeting**

Except as otherwise provided in this Charter, the legislative body of the Town shall be the Town Meeting with all the powers conferred by the General Statutes and by this Charter.

#### **Section 2.2 Members of the Town Meeting**

Members of the Town Meeting shall be electors of the Town, and all others entitled to vote at Town Meeting pursuant to the General Statutes.

#### **Section 2.3 The Annual Town Meeting**

The Annual Town Meeting shall be held on the third Monday of May each year unless changed by a vote of a Town Meeting. The Annual Town Report shall be provided before April 30<sup>th</sup> of each calendar year, and presented for discussion at this meeting.

## **Section 2.4 Annual Budget Meeting and Special Town Meetings**

- a) The Annual Budget Meeting shall be held at the Annual Town Meeting for the consideration of the annual budget. Adoption of the annual budget shall be by majority vote of qualified voters present and voting. The Annual Budget Meeting shall have the power to decrease or delete any appropriation or item in any appropriation, but it may not increase or add to any appropriation or make any appropriation for a purpose not recommended by the Board of Finance.
- b) Special Town Meetings may be called from time to time by the Board of Selectmen as defined by Sections 2.7 or 2.8 of this Charter.

## **Section 2.5 Legal Notice**

Legal notice of all Town Meetings shall be advertised in a publication having a general circulation in the Town and sent by US Postal service to all box holders at least seven (7) calendar days prior to the date of the meeting. A copy of this notice shall be posted on the bulletin board at the Town Office Building, the Town website, and at the office of the Town Clerk. It shall be typewritten or printed and must contain the place, date, and hour of the meeting and list all the items to be acted upon. Before or on the date of the meeting, the First Selectman shall cause a copy of the notice, along with the Return of Notice, to be filed with the Town Clerk, and the Town Clerk shall cause such copy and return to be recorded in the Town Meeting Record Book.

## **Section 2.6 Organization and Procedure**

- a) The First Selectman or his representative shall call the Town Meeting to order and the first action of the Town Meeting shall be to choose a Moderator. All business shall be conducted using standard parliamentary practice and as provided by Chapter 90 of the General Statutes.
- b) The Town Clerk or Assistant Clerk shall serve as clerk of the Town Meeting. In their absence, a clerk shall be chosen by an action of the Town Meeting. Action of all Town Meetings shall be by majority of qualified voters present and voting pursuant to Section 7.6 of the General Statutes as amended.
- c) The regular written minutes of the Town Meeting shall be taken by the Clerk and recorded in the Town Meeting Record Book, posted on the Town website, and as otherwise required by the General Statutes.

## **Section 2.7 Ordinances**

- a) The Town Meeting shall have the sole power to enact or repeal ordinances.

- b) Every ordinance, except the annual budget ordinance, a bond ordinance, and/or an ordinance making a general codification, shall be confined to a single subject which shall be clearly expressed in its title. All ordinances which shall amend or repeal existing ordinances shall set forth in full the section or subsection to be amended or repealed and, if it is to be amended, shall indicate text to be omitted from the revised section or subsection by striking through said text and underlining new text. When published prior to enactment the same indications of omitted and new text shall be used.
- c) An ordinance enactment or repeal may be initiated by the Board of Selectmen by filing the complete text of such proposed ordinance with the Town Clerk.
- d) An ordinance enactment or repeal may be initiated by a petition of at least fifty (50) people entitled to vote at a Town Meeting. The petition shall conform to the requirements of Section 7-9 of the General Statutes and shall contain the personal signatures, printed names and addresses of said persons and shall contain the intent of such proposed ordinance or repeal, and shall be filed with the Town Clerk. If the petition complies with this subsection, then the Town Clerk shall notify the Board of Selectmen of such proposed ordinance or repeal within two (2) business days after receipt of the petition.
- e) The Board of Selectmen shall hold a public hearing on the proposed ordinance within thirty (30) days after the Selectmen's proposed ordinance was filed with the Town Clerk or within thirty (30) days after a petition was received from the Town Clerk. The Board of Selectmen shall give at least a seven (7) calendar day notice of the hearing by publication of the proposed ordinance in a publication having a general circulation in the Town.
- f) Within fifteen (15) days after the hearing, there shall be a Special Town Meeting at which the proposed ordinance will be considered. The Selectmen shall call the meeting pursuant to Section 2-4(b) of this Charter. The call shall state the proposed ordinance in full and shall provide for a yes or no vote. The ordinance shall be published in a publication having a general circulation in the Town within ten (10) days of its passage, and be posted on the Town website. Unless otherwise provided in the ordinance, the ordinance shall become effective fifteen (15) days after the publication thereof.
- g) Any such ordinance proposed by petition shall be submitted for review to the Town Attorney before publication. The Town Attorney may make any necessary corrections to ensure accuracy but may not make any changes in the meaning or intent of the ordinance.

## **Section 2.8    Resolutions**

- a) The Board of Selectmen may call a Special Town Meeting to enact resolutions at any time in the discharge of their duties.



- b) No less than fifty (50) persons entitled to vote at a Town Meeting may petition with their personal signatures for the enactment of any proposed lawful resolution by filing such petition, including the complete text of such proposed resolution and the printed names and addresses of said person, with the Town Clerk. The petition shall also conform to the requirements of Section 7-9 of the General Statutes. If the petition complies with the foregoing, then the Town Clerk shall notify the Board of Selectmen of such proposed resolution within two (2) business days after receipt of such petition.

If the subject of the resolution is a proper one for action at a Town Meeting, the Board of Selectmen shall call a Special Town Meeting to be held within thirty (30) days after the receipt of the petition from the Town Clerk. The call shall be made pursuant to Section 2-4(b) and shall state the proposed resolution in full. The Board of Selectmen may add other matters to the call of the meeting, but the resolution shall come first at said meeting. The resolution shall become effective at passage unless the resolution provides otherwise.

- c) Any resolution proposed by petition shall be submitted for review to the Town Attorney pursuant to Section 2-7g.

## **Section 2.9 Sale or Purchase of Real Estate by the Town**

The abandonment of roads by the Town, the sale or disposition of real estate owned by the Town, and the purchase or other acquisition of real estate shall require approval of a Town Meeting.

## **Section 2.10 Referendum**

A referendum may be called in the following ways:

- a) A majority vote of the Board of Selectmen.
- b) A petition signed by at least 200 electors of the Town.
- c) A majority vote of the Town Meeting.

A petition for referendum on the annual budget may begin being circulated for signatures, after the Budget Hearing, but prior to the final budget amount being determined by the Board of Finance. Referendum voting shall take place between 6 o'clock a.m. and eight o'clock p.m.

Except as modified by this Charter, referenda shall be called and held in accordance with the provisions of Chapters 90 and 152 of the General Statutes.

## **ARTICLE III ELECTIONS AND ELECTIVE OFFICERS**

### **Section 3.1 Town Elections**

- a) The regular Town election shall take place on the first Tuesday after the first Monday of November in odd numbered years. Special Town elections may be called from time to time in accordance with General Statutes.
- b) Except as otherwise provided by this Charter or the General Statutes, all elective Town officers shall take office on the 1<sup>st</sup> day of January following the November election, and they shall continue in office until their successors have been chosen and have qualified.

### **Section 3.2 Eligibility for Election to Town Offices**

Any person who is, at the time of the election, an elector of Bethany and whose primary residence is in Bethany shall be eligible for election to any Town office. Any person ceasing to be an elector of the Town and/or whose primary residence ceases to be in the Town shall cease to hold elective office in the Town and the office shall be deemed vacant.

All elected officers shall take an oath of office or affirmation prior to taking office and within sixty days after election or the office is deemed vacant. The officer administering the oath or affirmation shall record such fact in the office of the Town Clerk.

### **Section 3.3 Minority Representation**

Membership on all elective and appointed boards of the Town shall be determined in accordance with the minority representation law as set forth in Section 9-167(a) of the General Statutes.

### **Section 3.4 Vacancies in Elective Offices**

- a) Except as otherwise provided in this Charter, any vacancy in any elective Town office, from whatever cause arising, shall be filled within forty-five (45) days from the date the office becomes vacant, by appointment of a member of the same major political party as the vacated position was elected as, by the Board of Selectmen until the next regular Town election, except that vacancies on the Board of Finance, Bethany Board of Education, Planning and Zoning Commission, and Zoning Board of Appeals shall be filled by the remaining members of the respective Boards. Any person filling a vacancy shall take office immediately upon taking the oath of office following his election or appointment.

The political party of the vacated position may recommend one or more candidates for the Board to consider to fill the vacancy. Should the vacancy arise from a person not elected as part of a Republican or Democratic party slate, each such party may recommend a person to fill such vacated position, and the Board shall allow unaffiliated electors to register their interest in filling the vacated position. For all vacancies in elective offices, the Board shall consider those persons who have been recommended or who have expressed an interest to fill the vacancy, as well as others who are qualified, and shall fill the vacancy by majority vote.

- b) Any elected or appointed Town official other than the Town Clerk wishing to resign from office shall submit his resignation in writing to the Town Clerk. If the Town Clerk resigns, he shall submit his resignation in writing to the Board of Selectmen. Such resignation shall become effective on the date it is submitted unless another date is specified therein.
- c) Vacancies created by the demise of a board member shall be reported in writing by the chairman, or in his absence, the secretary of that board to the Town Clerk before the first meeting of the Board of Selectmen following creation of the vacancy. The Town Clerk shall notify the Board of Selectmen within two (2) business days after receiving such resignation or notice.
- d) A vacancy shall not be considered filled until the person appointed or elected to fill that vacancy has taken the oath or affirmation of office and this fact has been recorded.
- e) Vacancies on the Board of Selectmen shall be filled in the manner set forth above, except that if the remaining Board members cannot agree on a person to fill the vacancy within 45 days, the vacancy shall be filled by a majority vote of the elected Town officers of the same party as the vacated position.
- f) The vacancy of a District 5 Amity Regional Board of Education member shall be filled until the next regular municipal election by appointment by the Board of Selectmen, with input from the applicable party committee.

### **Section 3.5    Organization of Boards and Compensation of Officials**

- a) Except as otherwise provided in this Charter, all boards authorized in this Article shall, at their first meeting, elect a chairman and other officers as needed.
- b) Except as otherwise provided in this Charter, or required by the General Statutes, board members shall serve without pay. They may receive reimbursement for necessary expenses incurred in the performance of their duties subject to the limits of appropriations available for such purposes.

### **Section 3.6 Election of Board of Selectmen**

At each regular Town election there shall be elected a Board of Selectmen, consisting of the First Selectman and two Selectmen. No more than two members of such Board of Selectmen may be members of the same political party. Each person entitled to vote in a Town election may cast one vote for the office of First Selectman and one vote for the office of Selectman. These officers shall serve terms for two (2) years and shall have powers and duties prescribed by law. The candidate with the highest number of votes cast for First Selectman shall be elected to that office. The votes cast for unsuccessful First Selectman candidates shall then be considered as cast for Selectmen, with the two Selectmen candidates receiving the highest number of votes elected as Selectmen, subject to minority representation requirements.

### **Section 3.7 Election of Tax Collector**

At each regular Town election there shall be elected a Tax Collector who shall serve a term of two (2) years and shall have the powers and duties prescribed by law.

### **Section 3.8 Election of Registrars of Voters**

There shall be elected two Registrars of Voters, one from each major political party, and they shall serve for four (4) year terms. Registrars of Voters shall be elected in November of gubernatorial election years. Their powers and duties shall be those prescribed by law.

### **Section 3.9 Nomination of Justices of Peace**

The number of Justices of the Peace for the Town of Bethany shall be 18. 12 Justices of the Peace shall be members of major political parties (6 Republican and 6 Democratic), and 6 shall be unaffiliated voters or members of minor parties. Justices of the Peace shall be nominated in Presidential election years and shall serve for four (4) year terms, as provided in Sections 9-183a to 9-184c of the General Statutes. The powers and duties of these officers shall be those prescribed by law.

### **Section 3.10 Election of the Town Clerk**

There shall be elected a Town Clerk, serving a four (4) year term. Such office shall have the powers and duties prescribed by law.

### **Section 3.11 Election of Board of Finance**

The Board of Finance shall consist of six (6) members serving four (4) year terms. Three (3) members shall be elected at each regular Town election. The Board shall have the powers and duties prescribed by law.

The members of the Board of Finance in office on the day following the date of the adoption of this Charter shall continue as such members for the respective terms for which they or the persons they are succeeding in office have been elected. There shall be two members elected at the municipal election of 2023, one of whom shall be elected for a term of four years and one of whom shall be elected for a term of two years. There shall be three members elected at the municipal election of 2025, all of whom shall be elected for a term of four years. There shall be three members elected at the municipal election of the 2027, all of whom shall be elected for a term of four years. Thereafter at each biennial election there shall be elected three members to hold office for a term of four years to succeed those whose terms have expired.

### **Section 3.12 Election of Planning and Zoning Commission**

The Planning and Zoning Commission shall consist of five (5) members and three (3) alternates serving four (4) years each. At least two (2) members and one (1) alternate shall be elected at each regular Town election. The Board shall have the powers and duties prescribed by law.

### **Section 3.13 Election of Zoning Board of Appeals**

The Zoning Board of Appeals shall consist of five (5) members and three (3) alternates serving four (4) years each. At least two (2) members and one (1) alternate shall be elected at each regular Town election. The Board shall have the powers and duties prescribed by law.

### **Section 3.14 Election of Board of Assessment Appeals**

There shall be a Board of Assessment Appeals consisting of three (3) members. Each member shall be elected for a four (4) year term. The Board shall have the powers and duties prescribed by law. At least one (1) member shall be elected at each regular municipal election.

### **Section 3.15 Election of Bethany Board of Education**

The Bethany Board of Education shall consist of nine (9) members, serving four (4) year terms. The Board shall have the powers and duties prescribed by law.

The members of the Board of Education in office on the day following the date of the adoption of this Charter shall continue as such members for the respective terms for which they or the persons they are succeeding in office have been elected. There shall be three members elected at the municipal election of 2023, two of whom shall be elected for a term of four years and one of whom shall be elected for a term of two years. There shall be four members elected at the municipal election of 2025, all of whom shall be elected for a term of four years. There shall be five members elected at the municipal election of the 2027, all of whom shall be elected for a term of four years. Thereafter at each biennial election there shall be elected four or five members, as appropriate, to hold office for a term of four years to succeed those whose terms have expired.

### **Section 3.16 Election of District 5 Amity Regional Board of Education**

The number of members of the Regional Board of Education, the representation of the Town of Bethany and terms of office of Board members are all determined by the provision of Section 10-46 of the General Statutes. Members of the Board shall be nominated and elected in accordance with the Connecticut General Statutes or as determined by ordinance.

### **Section 3.17 Election of Town Treasurer**

At the regular Town election there shall be elected a Town Treasurer, serving a two (2) year term. Such office shall have the powers and duties prescribed by law. The Treasurer shall appoint a Deputy Treasurer to perform the duties of the office when the Treasurer is unable to, due to absence or disability.

## **ARTICLE IV APPOINTIVE BOARDS AND COMMITTEES**

### **Section 4.1 Appointive Boards**

- a) Appointive Town boards, including commissions, committees, and agencies, may be created by and their powers and duties may be specified by ordinance, consistent with the General Statutes and this Charter. Appointive boards authorized by this Section may be abolished or consolidated, their powers and duties may be altered, and the number or terms of office of their members may be changed by ordinance, provided that any such changes are consistent with the General Statutes and this Charter.

### **Section 4.2 Appointments to Appointive Boards and Regional Organizations**

- a) The Board of Selectmen shall be the appointing authority for all appointive boards. The Board of Selectmen may remove any member of an appointive board for cause, and the Board of Selectmen may fill any vacancies that occur on appointive boards, for the remainder of the unexpired term.
- b) All members of appointive boards and representatives to regional organizations shall be electors of the Town and shall vacate their positions upon ceasing to be electors of the Town. The procedure for submission of resignations and filling of vacancies for the balance of the unexpired term shall be the same as that prescribed for elective boards in Section 3.4 of this Charter, except that the appointing authority to fill a regional organization vacancy shall be the same as that for the original appointment.
- c) A member of an appointed board or regional organization shall continue to hold office until his successor has been appointed and is qualified.

- d) Membership on all appointive boards provided by this Article shall be determined in accordance with the minority representation law as set forth in Section 9-167(a) of the General Statutes.
- e) The Town may, by Town Meeting vote, join or discontinue its membership in any regional or intergovernmental organization, except as required by statute.

#### **Section 4.3 General Powers and Procedures; Compensation**

- a) Appointive Boards shall have the powers and duties consistent with the General Statutes, this Charter, or those prescribed by Town Ordinance to the extent consistent with this Charter.
- b) Appointive Boards shall choose a chairman, and may establish procedures for the conduct of their meetings and the execution of their duties.
- c) The members of Appointive Boards shall serve without compensation, except that necessary expenses incurred in the performance of their duties may be paid from an appropriation for that purpose.

#### **Section 4.4 Temporary Committees**

Temporary Committees may be established by a vote of the Board of Selectmen. Such committees established by the Board of Selectmen shall terminate no later than the end of the current term of the Board of Selectmen.

### **ARTICLE V BOARD OF SELECTMEN**

#### **Section 5.1 Compensation**

The members of the Board of Selectmen shall be compensated in such manner and amount as may be determined at the Annual Budget Meeting.

#### **Section 5.2 Procedure and General Powers**

- a) At its first meeting the newly elected Board of Selectmen shall, in accordance with the General Statutes and this Charter fix the time and place of its regular meetings, which shall normally take place at least twice a month, and shall provide a method for the calling of special meetings consistent with the General Statutes, and designate which Selectman shall be the acting First Selectman in the event of his absence or disability.

The First Selectman shall preside at Board of Selectmen meetings. The Board shall, by resolution, determine its own rules of procedure. Each Selectman shall have the ability to make a motion or offer a proposal which shall be promptly considered by the Board without the necessity of a second. Each Selectman may add items to the agenda of upcoming meetings.

- b) A special meeting of the Board of Selectmen may be called at any time by the First Selectman or any two Selectmen.
- c) Two members of the Board of Selectmen shall constitute a quorum and no resolution or action shall be adopted by less than two affirmative votes.
- d) The Board of Selectmen shall generally supervise the administration of the affairs of the Town, except those matters which according to General Statutes or this Charter are exclusively committed to other officers, boards, commissions, or committees.
- e) The Board of Selectmen shall be responsible for coordinating the activities of all the departments of the Town, and for keeping under review the present and future needs of the Town.

### **Section 5.3 Special Powers and Duties**

In addition to these general powers, and except for the powers committed to the Town Meeting and Board of Finance by the General Statutes and this Charter, the Board of Selectmen shall have the power, subject to the provisions of the General Statutes and this Charter:

- a) To incur indebtedness in the name of the Town, and to provide for the due execution of contracts and evidences of indebtedness issued by the Town.
- b) To take, purchase, lease, sell or convey real or personal property of or for the Town, subject to a Town Meeting.
- c) To institute, prosecute, defend or compromise any legal action or proceeding by or against the Town.
- d) To enter into contracts for any services and to purchase or contract to purchase any supplies, materials, equipment and other commodities required by any Town department, except the Board of Finance with respect to the Town audit. The Board of Selectmen may by resolution or regulation delegate its powers in this subsection (d) to any Town department or officer. All purchases, with the exception of a declared emergency, shall be subject to the rules, regulations and requirements as set forth in the purchasing ordinance.



- e) To employ such staff with such powers, duties, and responsibilities as it may deem desirable to carry out the duties and responsibilities of the Board of Selectmen, within the confines of the budget.
- f) To issue notes in anticipation of tax collections payable within the fiscal year, and to issue bonds or other notes when authorized by a Town Meeting, in each instance upon such terms and conditions as the Selectmen may approve, including without limitation the manner and form of issue and sale thereof, the date and rate of the manner and form of issue and sale thereof, the date and rate of interest thereof, the designation of a bank or trust company to act as certifying or paying agent thereof, and the designation of the persons to sign such notes in the name of or on behalf of the Town.
- g) To accept or refuse to accept roads offered to the Town.
- h) To abandon or discontinue Town roads, subject to a Town Meeting.
- i) To apply for, accept, and administer grants.
- j) To develop long-range financial plans for the Town in conjunction with the Board of Finance.

#### **Section 5.4 Powers with Respect to Ordinances**

Pursuant to Section 2-7 of this Charter, the Board of Selectmen may propose ordinances consistent with the General Statutes and this Charter on any matter which the General Statutes or this Chapter authorize to be legislated by ordinance.

### **ARTICLE VI THE FIRST SELECTMAN**

#### **Section 6.1 Chief Executive and Administrative Officer**

The First Selectman shall be the full-time chief executive and administrative officer of the Town, and shall be required to carry out his duties as charged by the General Statutes and specifically described in Section 6.2 and 6.3 of this Charter.

The First Selectman shall have all the powers, duties, and responsibilities conferred upon that office by law and which are not inconsistent with this Charter; and in addition, he shall have such powers as are necessary or incidental to the discharge of these duties and responsibilities as set forth in this Charter.

The First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside at meetings of the Board when present. The First Selectman shall be an ex officio member of all boards, commissions, committees, and other agencies of the Town, but without the power to vote. He may, in writing, appoint a Selectman to be his representative.

## **Section 6.2 Duties of the First Selectman**

Under the general policy direction of the Board of Selectmen, the First Selectman shall:

- a) Be responsible for the proper performance of the First Selectman's office, in connection with which he shall be available, in person or by telephone, at his office at specified hours during the normal working day.
- b) Coordinate the administration of all departments of the Town, except for those functions expressly reserved or delegated to those department by law. Administrative Officials shall report directly to the First Selectman.
- c) Continuously review the current and future needs of the Town, including financial needs and budget requirements, in connection with which he may require reports and information to be submitted by any Town department. He shall keep the Board of Selectmen fully informed as to the financial condition of the Town.
- d) Update the Board of Selectman are on the availability of, and the requirements for, such Federal and/or State funds as the Towns may qualify for. He shall make this information available to the Board of Finance in accordance with Article VIII of this Charter.
- e) Implement proper financial procedures such as bidding procedures, record keeping and accounting methods which the Board of Finance may lawfully and reasonably prescribe for the Town department over which he has jurisdiction.
- f) Coordinate and guide the Board of Selectmen in the discharge of all of the Board 's duties and responsibilities.
- g) Develop a set of priorities which shall provide a guide for things the Town shall attempt to accomplish during the coming year, and which shall serve as a policy guide in the development of the Annual Town Budget.
- h) Keep full and complete records of the doings of the office. It shall be his duty to make periodic reports to the Selectmen and the Board of Finance, to recommend to the Selectmen such motions as he shall deem necessary or expedient; and to keep or cause to be kept complete books of accounts showing the financial transactions and condition of the Town and all other accounts and records as may be prescribed by the Selectmen, the General Statutes, or the Town Meeting.
- i) Perform other duties which the General Statutes assign to the chief executive in the absence of such separate municipal appointive officials as police chief or welfare officer.
- j) Act as purchasing agent of the Town, subject to such rules and regulations as may be prescribed by ordinance and elsewhere in this Charter.

### **Section 6.3 Duties Relating to the Budget**

With the guidance of the Board of Selectmen, the First Selectman and the Finance Director shall assemble the preliminary budgets of the Town departments in accordance with the manner required by the Board of Finance, after discussing them with the department heads. Said preliminary budget shall be turned over to the Board of Finance.

### **Section 6.4 Emergencies**

- a) In the event that the First Selectman shall find that a state of emergency exists within the Town, requiring immediate action to protect the health, safety, and general welfare of its citizens, he may declare that such a state of emergency exists and publish such declaration by most effective means available, and take such action as shall be in the best interest of the Town; provided that the Board of Selectmen shall meet as soon as possible to ratify such action and to take such further action as may be required by this Charter.
- b) A state of emergency shall terminate when so voted by the Board of Selectmen or declared in writing by the First Selectmen, or by vote of the Town Meeting.

### **Section 6.5 Delegation of Duties**

To assist in the discharge of the duties and responsibilities of his office and of the Board of Selectmen, the First Selectman may assign and delegate duties to Selectmen and to officers and staff responsible to him, except as to such powers and duties which may not under the General Statutes be so delegated.

## **ARTICLE VII ADMINISTRATIVE OFFICIALS AND EMPLOYEES**

### **Section 7.1 Administrative Officials**

There shall be the following Administrative Officials of the Town:

Building Official; Land Use Administrator and Zoning and Wetlands Enforcement Officer; Director of Emergency Management and Deputies; Director of Public Works; Tree Warden and Deputies; Fire Marshal and Deputies; Assessor; Town Attorney; Town Engineer, Town Planner; Director of Human Services; Constables; Parks and Recreation Director; and Director of Finance.

Additional Administrative Officials may be added or removed by ordinance as needed.

The First Selectman shall be responsible for the review, evaluation, and discipline of all Administrative Officials.

## **Section 7.2 Appointment and Eligibility**

Administrative Officials shall be appointed and may be removed by the Board of Selectmen. Employees hired by the First Selectman shall be appointed and may be removed in accordance with provisions of Section 7.13 of this Charter. Except as otherwise provided in this Charter, no Administrative Official shall serve as voting member on any regular Town board during his term of office, and any such administrative officer elected to public office in the Town shall, upon such election, forfeit his position to which he had been appointed.

## **Section 7.3 Vacancies in Administrative Offices**

Any vacancy in an appointive administrative office, from whatever cause arising, shall be filled by the appointing authority to such office. Persons appointed to fill vacancies in said administrative offices shall serve for the unexpired term vacated if such office has a fixed term, or shall serve for an indefinite term as an employee at will in the event no fixed term is provided for such office.

## **Section 7.4 Constables**

The total number of Constables shall not exceed five (5). The Constables shall be experienced and qualified to engage in law enforcement activities by having attended a training program provided by the State or having obtained equivalent education under guidance of a Law Enforcement Officer.

## **Section 7.5 Director of Emergency Management**

There shall be a Director of Emergency Management appointed by the Board of Selectman in accordance with Section 28-7 of the General Statutes. The appointee shall have such powers and duties as are provided by law, and such other powers as may be prescribed by the Board of Selectmen. With the approval of the First Selectman, the Director shall undertake such activities as may be required pursuant to Directives of the State Office of Emergency Management.

## **Section 7.6 Director of Public Works**

The Director of Public Works shall be the administrative head of the Public Works Department and as such shall be responsible for the efficiency, discipline and good conduct of the Public Works operation of the Town. The Director of Public Works shall have supervision and control of the maintenance of all Town-owned structures, except those under the jurisdiction of the Bethany Board of Education. He shall be responsible for the planning, surveying, construction and reconstruction, altering paving, repairing, maintaining, cleaning, lighting and inspecting of highways, bridges, sidewalks, curbs, the care of trees and grounds, refuse and disposal areas, public drains, and the maintenance of apparatus and equipment used by the Department.

At the request of the Board of Selectmen, he shall undertake the maintenance and care of parks and recreational facilities to the extent not assigned to the Parks and Recreation Department. The Director of Public Works shall organize the public works operation in such a manner as to be most economical and efficient, and it shall be his responsibility to provide to the Board of Selectmen and, upon request, to the Board of Finance, such schedules of road maintenance and construction and to compile such estimates of expenditures for labor, materials, and services as are necessary and may reasonably be required for the management and budget-making process of the Town.

#### **Section 7.7    Town Engineer**

The Town Engineer shall be a qualified professional civil engineer registered to practice in this State in accordance with the General Statutes. The Town Engineer shall provide engineering services to all Town officers, departments, and boards, under the direction of the Board of Selectmen.

#### **Section 7.8    Assessor**

There shall be one Assessor for the Town of Bethany. Such Assessor shall be qualified by training and experience and shall have all the powers and duties, not inconsistent with this Charter, conferred upon his office by the General Statutes, and such other powers and duties as may be prescribed by the Board of Selectmen.

#### **Section 7.9    Town Attorney**

The Town Attorney shall be nominated by the First Selectman and appointed by the Board of Selectmen. The appointment will not be withheld, provided the appointee meets the following minimum standards:

1.     Appointee shall be admitted to the Connecticut Bar, and in good standing.
2.     Appointee shall have a minimum of two years' experience representing municipalities.
3.     Any other standards as deemed necessary from time to time by unanimous vote of the Board of Selectmen.

Said appointment shall occur no later than the second regularly scheduled Board of Selectmen meeting after the commencement of the term of the Board of Selectmen.

If the appointee of the First Selectman does not meet the minimum standards set forth above, the First Selectman shall nominate a different appointee each month thereafter until the minimum standards are met.

The term of the Town Attorney shall begin on the date of appointment by the Board of Selectmen and run concurrent with the term of the Board of Selectmen or until the Town Attorney's successor has been appointed.

The Town Attorney shall furnish such legal services to the Town, its officers, and departments as the Board of Selectmen may authorize and he shall be the legal advisor to such Town offices or department in all matters affecting the Town, and shall, upon written request submitted to him through the Board of Selectmen, provide a written opinion on any question of law involving the respective powers and/or duties of said officers or department.

If for special circumstances the Board of Selectmen deems it advisable, it may provide for the temporary employment of counsel other than or in addition to the Town Attorney. For such purposes, boards and commissions, within the limits of their appropriations or with the approval of the Board of Selectmen, may employ specialized legal counsel.

#### **Section 7.10 Fire Marshal**

The Fire Marshal shall be certified by the State Fire Marshal as being qualified for the duties of this office, in accordance with Section 29-297 of the General Statutes. The Fire Marshal shall have the powers and duties prescribed by law. Deputy Fire Marshals shall act for the Fire Marshal in the event of his absence or disability. The Fire Marshal shall be sworn to the faithful performance of their duties by the Town Clerk.

#### **Section 7.11 Tree Warden**

The Tree Warden shall have the powers and duties prescribed by law.

#### **Section 7.12 Finance Director**

The Finance Director shall oversee and direct the comprehensive municipal finance operations of the Town, including maintaining the Town's system of accounts, general fund and other funds, and all other general ledger and all subsidiary ledgers for each fund and all special funds. The Finance Director shall develop and maintain a complete system of internal controls, supervise employees engaged in processing documents, posting payroll, and a variety of related duties, shall manage benefits for Town and Union employees, and perform other duties related to Town finances.

#### **Section 7.13 Employees**

- a) The First Selectman shall be responsible for the hiring and termination of all Town employees, except elected officials and Administrative Officials. The First Selectman shall be responsible for the review, evaluation, and discipline of all Town employees.

- b) The First Selectman, in consultation with the Board of Selectmen and the Board of Finance, shall establish wage rates, salaries, job descriptions and working hours for all Town employees, except when the terms and conditions of employment of a Town employee are governed by a collective bargaining agreement and/or the Town's obligations under applicable law.
- c) The hiring of employees, except for temporary workers not to exceed 120 days and elected officials, shall be done with due public notice and on the basis of job and salary descriptions available to all applicants.

## **ARTICLE VIII FINANCE AND TAXATION**

### **Section 8.1 Board of Finance: Organization and Procedures**

- a) At its first meeting after taking office on January 1 following an election, the Board of Finance shall elect from its membership a Chairman, who shall preside over its meetings, and a Vice Chairman who shall act as Chairman in the absence of the Chairman. The Board of Finance shall appoint a recording clerk, who shall be responsible for seeing that records are maintained and minutes and other records of the meetings and proper copies thereof are filed with the Board of Selectmen and the Town Clerk as prescribed by law and by Article 3.5 of this Charter.
- b) Decisions of the Board shall be made by a majority of those present. No less than four (4) members shall constitute a quorum, except as otherwise provided by the General Statutes and this Charter. The Board of Finance shall have its own budget, which shall contain an appropriation for the purpose of retaining a certified public accountant to audit the Town books as required by the General Statutes, and an appropriation for the just and necessary expenses of Board members incurred in the fulfillment of their duties.

### **Section 8.2 General Powers and Duties of the Board of Finance**

The Board of Finance shall have all powers and duties provided by Statutes and by this Charter. The Board of Finance shall be the budget making authority of the Town. The Board of Finance shall organize its work to devote proper attention to the following areas, although this shall not restrict the Board of Finance to these areas:

- a) Preparation of the budget for the following fiscal year.
- b) Management and monitoring of the Town budget for the current fiscal year.
- c) Monitoring of the Elementary and Regional School District budgets.

### **Section 8.3 Preparation of the Budget for the Coming Fiscal Year**

- a) At the beginning of each administration and once a year prior to receiving budget requests for the coming year, the Board of Finance shall meet with the Board of Selectmen and Finance Director for the purposes of general discussion of the needs and priorities the Town in the coming fiscal year.
- b) The Board of Finance shall receive the preliminary budget for the Town from the First Selectmen and Finance Director, in the manner described in Section 6.3 of this Charter, which shall include the individual budgets of each Town department dependent on the Town for any portion of its income. These budgets shall be prepared in such manner as the Board of Finance shall prescribe.
- c) The Board of Finance shall review the preliminary budgets together with estimates of income and prepare its own preliminary budget no less than forty-five days prior to the Annual Budget Meeting. Requests for additional information shall be made through the Finance Director.
- d) The preliminary budget, as prepared by the Board of Finance, shall be reviewed with the Board of Selectmen for the purpose of informing the Selectmen of the likely budget, to hear comments and to discuss matters affecting Town policy and administration.
- e) No later than three (3) weeks prior to the Annual Budget Meeting (which is held in conjunction with the Annual Town Meeting), the Board of Finance shall hold a public hearing, known as the Budget Hearing, on the proposed budget. Printed copies of the proposed budget shall be available at the Office of the Town Clerk at least seven (7) calendar days in advance of said hearing. Notice of the date, time, and location of the budget hearing and a copy of the proposed budget shall be mailed to all box holders in Town and shall be posted on the Town website at least seven (7) calendar days prior to the hearing.
- f) After the Budget Hearing, the Board shall draft its final recommended budget.
- g) The final budget as proposed by the Board of Finance shall be presented for adoption at the Annual Budget Meeting. Printed copies of the final recommended budget shall be available at the Office of the Town Clerk at least seven (7) calendar days in advance of the Annual Budget Meeting. Notice of the date, time, and location of the Annual Budget Meeting and a copy of the proposed budget shall be mailed to all box holders in Town and shall be posted on the Town website at least seven (7) calendar days prior to the meeting. The Annual Budget Meeting may delete or decrease the budget amounts, but may not increase budgeted amounts nor add additional items into the budget.



- h) In the event that the Town shall fail to pass the recommended budget, subsequent Town Meetings shall be called until a revised budget is passed and the Town shall in the meantime operate under the budget of the previous fiscal year.
- i) When the budget is approved, the Board of Finance shall see that it is promptly made available through the Office of the Town Clerk.
- j) Within one week after the acceptance of the annual budget by the Town Meeting or Referendum, the Board of Finance shall set the mill rate.

#### **Section 8.4 Management and Monitoring of the Budget for the Current Fiscal Year**

- a) The Board of Finance shall prescribe such periodic reporting of income and expenditures from all Town departments dependent on the Town budget for any portion of their income as it deems necessary.
- b) The Board of Finance shall review the budget at least quarterly for the purpose of seeing that it is proceeding according to plan. When the Board finds deviation that it considers serious, it shall review the matter with the Board of Selectmen and the Finance Director. It shall annually retain a certified public accountant to audit books and accounts of the Town as required in the General Statutes. The final audit report shall be submitted to the Board of Finance and the Board of Selectmen.
- c) In the event that a Town department determines that it requires a sum of money greater than its current appropriation, it shall inform the Board of Selectmen and the Finance Director in writing of the sum needed. The Board of Selectmen shall forward this request to the Board of Finance, together with a statement setting forth the recommendation of the Board of Selectmen.
- d) The Board of Finance may make supplementary appropriations to a requesting Town department of an amount not to exceed one half of one percent (0.5%) of the Total General Government Budget (does not include Bethany Schools or Regional School District #5 budgets), rounded up to the nearest \$100.00, without the approval of a Town Meeting. In any fiscal year, the Board of Finance shall not, without approval of the Town Meeting, make supplementary appropriations which in the aggregate exceed one and one-half (1.5%) percent of the Total General Government Budget for that year.
- e) The Board of Finance may transfer funds between line items within a department, without changing the total appropriation for the department. Board of Finance approval is required before such funds are transferred or expended. Such transfers shall be reflected in financial and budget reports, and both the original and revised budget line item amounts shall be shown.

- f) Town Meeting approval is required to transfer funds between departments and for special appropriations, except as provided by Section 8.4 (d). A Town Meeting may make a special appropriation or transfer of funds only if recommended by the Board of Finance. Such meeting may approve or decrease the amount recommended but may not increase the amount.
- g) The provisions of this Section shall not be a limitation on the power of the Town to issue bonds or other obligations for appropriations or indebtedness in accordance with the General Statutes or this Charter.
- h) For purposes of this Section, the following are considered to be departments of the Town:

Human Services; Public Works; Parks and Recreation; Bethany Board of Education; Board of Selectmen; Finance; Fire; Police; Fire Marshal; Building and Land Use; Assessor; Tax Collector; Town Clerk; and Registrars of Voters.

Additional departments may be added or removed by ordinance as needed.

## **Section 8.5    Expenditures and Accounting**

- a) The fiscal year of the Town shall begin on July 1 and end on June 30 of the following calendar year.
- b) The system of accounts used by Town department shall be that prescribed by the General Statutes as supplemented by policies of the Board of Finance.
- c) The policies of the Board of Finance shall also designate the forms and procedures for orders to be drawn on the Treasury by the Board of Selectmen.
- d) All Officers, Boards, Commissions and Committees shall comply with the policies of the Board of Finance required by this Section. Such policies shall be adopted and may be amended by vote of the Board of Finance and shall not be inconsistent with this Charter and the General Statutes.
- e) The Board of Finance shall compile an Annual Town Report, which incorporates the materials thus received as well as the auditor's report. Said Annual Town Report shall be made available to Town electors before April 30<sup>th</sup> of each year.
- f) Unless it shall be determined by the Board of Selectmen to be against the best interests of the Town, the contract for and purchase of all supplies, materials, equipment, commodities, and services required by any officer, employee, department, office, agency, board or commission of the Town government, shall be made by a competitive bid or selection process as defined and specified in the Purchasing Ordinance.

The Purchasing Ordinance shall, among other things: (1) require any purchase of contract for purchasing, including a continuing order or contract for the purchase of the same commodity or service over a period of time involves the expenditure of a minimum sum specified in the ordinance be publicly and competitively bid; (2) establish competitive bidding and selection requirements to ensure maximum competition; and (3) establish rules and regulations for the transfer, sale, or disposition of supplies, materials and equipment determined to be surplus, obsolete, or unused.

- g) No invoice, voucher, claim or charge against the Town shall be paid unless same has been approved by the applicable Administrative Official and the Director of Finance, or their designees.
- h) Drafts with above exceptions shall be drawn by the Finance Director for the payment of approved claims, which drafts shall be valid only when signed by the Treasurer (or Deputy Treasurer) and at least two of the three Selectmen.
- i) The several offices or departments of the Town shall not incur financial obligations to spend money for any purpose in excess of the amount appropriated therefore. Any person who makes or authorizes expenditures in excess of appropriations may be required to reimburse the Town the amount of the overage.
- j) The Board of Finance shall have access at all reasonable times to the records and books of account of the Town departments.

## **Section 8.6 Bonds and Notes**

Issuance of bonds and notes shall require approval of the Town Meeting or a Referendum.

## **Section 8.7 Reserve Fund for Capital and Nonrecurring Expenditures**

- a) There shall be a Reserve Fund for Capital and Nonrecurring Expenditures.
- b) The planning, construction, reconstruction, or acquisition of any specific capital improvement, or the acquisition of any specific item of equipment, of such category, character, or nature as to not be a purpose or object for which an appropriation is customarily made annually, shall qualify as capital and nonrecurring expenditures. Upon the recommendation of the Board of Finance and approval of the Town Meeting, any part or the whole of such Fund may be used for the financing, in part or in full, of such projects or acquisitions. Upon the approval of any such project or acquisition, an appropriation shall be set up plainly designated for the specific project or acquisition for which it was authorized and such unexpended appropriation may continue, subject to the limitation of subsection (d) hereof, until such project or acquisition is completed.

- c) Upon the recommendation of the Board of Finance and approval of the Town Meeting there shall be paid into the Fund such amounts as may be authorized to be transferred thereto from the unexpended general fund appropriations available at the end of any fiscal year. Budget and special appropriations designated for the Fund shall also be paid into the Fund.
- d) Any appropriation set up pursuant to the provisions of subsection (b) hereof may at any time subsequent to the effective date of such appropriation, upon recommendation of the Board of Finance and approval of a Town Meeting, be terminated, and any unexpended balance returned to the Fund balance. If no expenditure from or encumbrance of any such appropriation has been made within the period of three fiscal years after such project is fully funded, such appropriation shall be terminated.

### **Section 8.8 Long-Range Financial Planning for the Town**

All Town departments shall submit 5-year capital plans to the Board of Finance.

The Board of Finance may require Town departments to submit estimated operating budget requirements for one or more fiscal years beyond the next fiscal year.

### **Section 8.9 Tax Collection**

The Tax Collector shall collect the tax in accordance with the General Statutes. The due date shall be July 1 and January 1 with the exception of motor vehicle taxes and taxes less than \$200.00 which taxes shall be due in full on July 1.

## **ARTICLE IX TRANSITION AND MISCELLANEOUS PROVISIONS**

### **Section 9.1 Existing Laws, Ordinances, and Regulations**

All general laws applicable to the Town, all enabling legislation adopted by the Town, all ordinances, By-Laws and regulations of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter.

All special acts or parts of special acts relating to the Town that are not inconsistent with the provisions of this Charter than continue in full force and effect.

### **Section 9.2 Time Limit on Meetings**

No official decisions of any board, commission, or committee may be made after 11:30 PM, except in the case of public safety emergencies.

**Section 9.3 Notice of Meetings**

Notice of all meetings shall be given in accordance with Section 1-225 of the General Statutes. It is recommended that notice of meetings also be posted on the Town website.

**Section 9.4 Saving Clause**

If any part of this Charter is held invalid by a court of competent jurisdiction, such as holding shall not affect the remainder of this Charter.

**Section 9.5 Effective Date**

This Charter shall become effective thirty days after it is approved in accordance with Chapter 99 of the CT General Statutes.